

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

NORTH DAKOTA, et al.,

Plaintiffs,

V.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; ANDREW WHEELER, in his official capacity as Administrator of the Environmental Protection Agency; UNITED STATES ARMY CORPS OF ENGINEERS; and R.D. JAMES, in his official capacity as Assistant Secretary for Civil Works, Department of the Army,

Defendants.

Case No. 3:15-cv-00059-DLH-ARS

**PLAINTIFF-INTERVENOR'S
MOTION AND NOTICE
OF MOTION TO INTERVENE;
[PROPOSED] COMPLAINT IN
INTERVENTION**

Pursuant to Federal Rule of Civil Procedure 24(a), Proposed Plaintiff-Intervenor, Coalition of Arizona/New Mexico Counties for Stable Economic Growth, hereby respectfully requests leave to intervene as of right in the above-captioned case. In the alternative, Plaintiff-Intervenor moves for permissive intervention under Federal Rule of Civil Procedure 24(b).

In support of this motion, Plaintiff-Intervenor submits the Proposed Complaint in Intervention, Attachment A hereto, Memorandum in Support of Intervention, and accompanying Declaration.

Counsel for the Plaintiff-Intervenor have been attempting to contact all the parties in this case. The following table summarizes the response that Plaintiff has received.

Plaintiffs	Consent	No Objection	No Position	No Response
Alaska				X
Arizona ¹				X
Arkansas		X		
Colorado	X			
Idaho		X		
Iowa		X		
Missouri	X			
Montana		X		
Nebraska		X		
Nevada ²		X		
New Mexico Environment Department		X		
New Mexico State Engineer				X
North Dakota		X		
South Dakota		X		

¹ In a phone call to the Arizona Attorney General's Office, counsel for Plaintiff-Intervenor was informed that Dominic E. Draye, the attorney currently listed on the docket as Arizona's lead attorney, no longer works for the office. Counsel informed the Attorney General's Office of the intent to intervene via email but did not receive a response.

² There is currently no attorney listed on behalf of the State of Nevada. In a phone call to the Nevada Attorney General's Office Counsel for Plaintiff-Intervenor was informed that newly appointed Solicitor General Heidi Parry Stern would be the attorney assigned to the case.

Wyoming			X	
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Defendants				
EPA				X
Army Corps				X
Sierra Club			X	

DATED: April 16, 2019.

Respectfully submitted:

PACIFIC LEGAL FOUNDATION

s/ Anthony L. Francois

ANTHONY L. FRANÇOIS

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**Pro Hac Vice Admission Pending*

**ATTORNEYS FOR PROPOSED
PLAINTIFF-INTERVENOR**

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2019, I electronically filed the foregoing document with the Clerk of the Court via the CM/ECF system, which will cause a copy to be served upon counsel of record.

I further certify that on April 16, 2019 I served a copy of the foregoing document on the following parties or their counsel of record by U.S. Postal Service, via first class mail, in a sealed envelope, postage paid:

State of Nevada, Attorney General Aaron Ford
c/o Solicitor General Heidi Parry Stern
State of Nevada Office of the Attorney General
555 E. Washington Ave., Suite 3900
Las Vegas, NV 89101-1068

Anthony L. François
ANTHONY L. FRANÇOIS